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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,152	12/20/1999	TADASHI TAKAHASHI	P18421	1984

7590 10/07/2003

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EXAMINER

SENFU, BEHROOZ M

ART UNIT	PAPER NUMBER
2613	17

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/467,152	TAKAHASHI, TADASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Behrooz Senfi	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 August 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1, 3-10, 12-19, 21- 23, 25 - 31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1, 3-10, 12-19, 21- 23, 25 - 31 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. Applicant's arguments, see Brief (Paper no.16), filed August 13, 2003, have been fully considered and are persuasive. Therefore, Examiner withdraws the finality of that action (Paper no. 8, dated 12/13/2002).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 - 12, 16 - 18, 24 and 29 – 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US 4,846,155) in view of Sato et al. (US 6,249,362).

Regarding claims 1, 3 - 10, 16, 18, and 29 - 30, Kimura '155 discloses data generating device, provided in an electronic endoscope (i.e. fig. 2, col. 1, lines 10+ of Kimura), device generating an image data corresponding to an object image and character information including a date when said object image is obtained (i.e. fig. 15 of Kimura), and date differentiating process that generates character information so that, when date is displayed on a screen of a display device along with object image, at least one of the year, month, and day is differentiated on screen (i.e. fig. 15 of Kimura), and storing (i.e. fig. 15 shows the recording state of Kimura) and displaying mode on screen (i.e. col. 9, lines 24+ of Kimura).

Kimura '155 fails to explicitly teach color code or character type different from the others.

However, the above mention claimed limitation is well-known in the art as evidenced by Sato '362, In particular, Sato '362 (i.e. fig. 3a – 3e, col. 12, lines 14 – 17) teaches image processing capable of displaying the date in preferred color, font, size along with object.

Taking the combined teaching of Kimura and Sato as a whole, it would have been obvious to modify the image processor to have the date associated with the object in preferred color, font, size along with object (i.e. fig. 3a - 3e, col. 12, lines 14 – 17).

Regarding claim 12, combination of Kimura '155 and Sato '362 teaches displaying an order of date (i.e. fig. 3a – 3e of Sato) and switchably changing the order of a date, which is commonly well-known to a user at the particular location, is well-known.

Regarding claim 17, combination of Kimura '155 and Sato '362 teaches display processor comprises a character code output processor that outputs a character code corresponding to date (i.e. fig. 15, Date and Time of Kimura '155), and character signal output along with a video signal corresponding to said object image (i.e. fig. 15 Kimura '155).

4. Claims 13 – 15, 19, 21 – 23, 25 – 28 and 31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura '155 in view of Sato '362 further in view of Salb (US 5,408,996).

Regarding claims 13, 14, 19, 26 and 31, combination of Kimura '155 and Sato '362 teaches electronic endoscope (i.e. fig. 2 of Kimura '155), and displaying a year, month, and day of a date along with an object image on a screen (i.e. fig. 15 of Kimura

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'155), and different color or character type (i.e. fig. 3a – 3e, col. 12, lines 14 – 17 of Sato) and stores date along with said object image (i.e. fig. 15, recoding state of Kimura '155).

combination of Kimura '155 and Sato '362 fails to explicitly teach storing processor that stores date along with said object image in an image storage device as a single image.

However, the above mention claimed limitation is well-known in the art as evidenced by Salb '996. In particular, Salb '996 (i.e. col. 6, lines 26+) teaches displaying dates and object image as a single image.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modifying the combination system of Kimura and Sato as taught by Salb '996 for the benefit of one viewing the image can easily read all the information related to the object including the object.

Regarding claim 15, combination of Kimura '155 and Salb '996 and Sato '362 teaches electronic file storage (i.e. col. 6, lines 39+ of Salb '996).

Regarding claim 21, the limitations as claimed are substantially similar to claim 4, therefore the grounds for rejecting claim 4 also apply here.

Regarding claims 22 – 23 and 28, the limitations as claimed are substantially similar to claims 3 and 19, therefore the grounds for rejecting claims 3 and 19 also apply here.

Regarding claim 25, the limitations claimed are substantially similar to claim 12, therefore the grounds for rejecting claim 12 also apply here.

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Regarding claim 27, the limitations claimed are substantially similar to claim 17, therefore the grounds for rejecting claim 17 also apply here.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

9/28/2003

VULE  
PRIMARY EXAMINER